

Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

**AFTER FINAL EXXPEDITED PROCEDURE
REMARKS**

Claims 1 to 25 were pending in the application at the time of final examination. Claims 1 to 19, 21, 22 and 24 remain rejected under 35 U.S.C. § 102(e) as being anticipated. Claims 20, 23, and 25 remain rejected under 35 U.S.C. § 103(a) as being unpatentable.

Claims 3, 9, and 15 have been amended to correct a spelling error. This amendment requires no substantive consideration by the Examiner and so fails to raise new issues or require a new search. The amendments place the claims in condition for allowance in view of the following remarks and so entry is appropriate under Rule 116. If the Examiner should disagree, the Examiner is respectfully requested to enter this paper to narrow the issues on appeal.

Claims 1 to 19, 21, 22 and 24 remain rejected under 35 U.S.C. § 102(e) as being anticipated by European Patent Publication N. 855659 A1, hereinafter referred to as Gabber. Prior to considering the rejection, Applicants respectfully note that the MPEP does not require that a reference suggest an invention as recited in a claim, but rather, the MPEP requirement is much more precise. Specifically,

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." . . . "The identical invention must be shown in as complete detail as is contained in the . . . claim." The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

MPEP, §2131, 8th Ed., Rev. 3, p. 2100-76 (August 2005)

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

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AFTER FINAL EXXPEDITED PROCEDURE

Thus, the MPEP requires that Gabber must show the invention in as complete detail as contained in the claim and that the elements must be arranged as required by the claim. The language is mandatory "must," and so failure of Gabber to meet these requirements means that the anticipation rejections are not well founded. As described more completely below, the rejection fails to consistently define elements in the claims and fails to demonstrate that with such a consistent definition, Gabber meets the requirements of the MPEP.

With respect to the anticipation rejection of Claim 1, the rejection stated in part "Gabber teaches a Central Proxy System a(item 110a) [Sic] which requests user data from a user site (item 105a), as described in column 9 line 50 column 10 line 15. Note that according to column 12 line 34, the item 105a stores user data." (Emphasis in original.)

Applicants appreciate the clarification of the basis for the rejection. However, Applicants respectfully submit that these remarks are but a further demonstration that the rejection is not well founded. The remarks address the gist of the invention and not the explicit claim limitations.

Claim 1 recites

requesting user data from a user-controlled secure storage device

Thus, the request is not some general request for user data, but rather a request directed to a specific device, "from a user-controlled secure storage device."

A request to user site 105a of Gabber teaches nothing about from where on the site the data is requested. Further, the fact that the data may be stored teaches nothing about the type of storage used. Accordingly, the basis for continuing the rejection demonstrates that Gabber fails to show "The identical invention . . . in as complete detail as is contained in the . . . claim," with "[t]he elements . . . arranged as

Appl. No. 10/014,934

Amdt. dated June 20, 2006

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AFTER FINAL EXXPEDITED PROCEDURE

required by the claim." The box in the figure of Gabber labeled "user site 105a" shows noting about how elements are arranged on that site.

Moreover, when the cited section of Gabber is considered as a whole, the reference teaches that the request is not directed to "a user-controlled secure storage device."

According to the exemplary embodiment, if user site 105a's command to access NYT 110g is user site 105a's first request of the current session, central proxy system 110a will recognize the same, and display its own HTML-document, possibly on user site 105a's browser.

Turning momentarily to FIGURE 3, illustrated is an exemplary full screen window of a conventional browser 300 ("NETSCAPE TM ") displaying an inlaid interface 305 ("JANUS<SM>") of central proxy system 110a according to the principles of the present invention. Exemplary interface 305 prompts a user of site 105a to enter user definable character strings, which according to the illustrated embodiment includes identification ("ID") data and secret ("S") data supplied by the user. Each user initially supplies a user ID (e.g., e-mail address) and a user S to allow one or more substitute identifiers to be chosen or constructed (site-specific substitute identifiers are suitably constructed from data specific to user 105a and a particular server site which user 105a intends to browse). Alternatively, other or further data supplied by the user may be appropriate in some applications (e.g., credit card number, post office address, handle, etc.). (Emphasis Added.)

Gabber, Col. 9, line 50 to Col. 10, lines 15.

Thus, the cited section of Gabber teaches that a browser window is launched and the user is required to enter the data in the window. Entering data in a browser window teaches that it is unnecessary to request user data from "a user-controlled secure storage device as recited in Claim 1, because the user provides the data directly.

Gabber summarized this by stating:

An important aspect of the above-identified embodiments is the use of site-specific substitute identifiers to eliminate the need for a user to have to "invent" a new user name and password for each server site which requires the establishment of an account (e.g., the NEW YORK TIMES, the WALL STREET JOURNAL, the NEWSPAGE TM and ESPN TM sites). The illustrated embodiment generates secure substitute identifiers (e.g., alias user names, passwords, e-mail addresses, postal addresses, credit card numbers, etc.) that are distinct and secure for the user. The user provides one or more character strings (which may be random) once, which may advantageously be at the beginning of a proxy system session. The proxy system uses the same to generate one or more secure site-specific substitute identifiers for the user -- thereby freeing the user from the burden of inventing new and unique identifiers for each server site. Moreover, the user no longer has to type such secure identifiers every time the user returns to a particular server site requiring an account; instead the proxy system provides the appropriate secure identifiers automatically. In an advantageous embodiment to

Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

be described, the proxy system filters other identifying information (e.g., HTTP headers, etc.) sent by user site 105a while browsing server sites. (Emphasis Added.)

Gabber, Col. 8, lines 15 to 39.

Thus, this portion of Gabber teaches that the user info is required only once and that the information is obtained via a web browser. As previously stated, these facts demonstrate that Gabber did not consider a request to a secure user controlled storage device, but in fact taught such an access was unnecessary when a Web browser was used to collect and transmit the data to the central proxy system.

Applicants further point out that Gabber stated:

According to the illustrated embodiment, peripheral proxy system 120 differs from central proxy system 110a by the location of execution of the first and second routines. In the illustrated central proxy embodiment, all routines are executed by central proxy system 110a, which means that all users must send user specific information to central proxy system 110a. In the illustrated peripheral proxy system 120, the first and second routines may be executed in a proxy subsystem associated with user site 105a. In one advantageous embodiment, user system 105a's user specific information (e.g., user identification, passwords, e-mail addresses, telephone numbers, credit card numbers, postal address, etc.) remain local, which will typically be more secure than central proxy system 110a. (Emphasis added.)

Gabber, Col. 7, line 50 to Col. 8, line 6.

This section of Gabber explicitly states that user information remains local and the user site is considered more secure than the central proxy system, but this teaches nothing about how the security is obtained on the user site, for example, it could be a firewall, and nothing about where or how the information is stored on the user site. Accordingly, Gabber fails to teach the invention to the same level of detail as recited in Claim 1. Since Gabber fails to teach the specific request from a user-controlled secure storage device as recited in Claim 1, Gabber fails to show the invention in as complete detail as recited in Claim 1. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 1.

Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

Applicants respectfully traverse the anticipation rejection of Claim 2. Applicants respectfully submit that the gist of the invention has been rejected and explicit claim limitations have not been consistently interpreted in Claim 2. Claim 2 first recites:

receiving, by a user-controlled secure device, a request for user data

Thus, Claim 2 recited that a user-controlled secure device received a request for user data. The basis for maintaining the rejection stated in part:

. . . column 18 lines 40 to 50 clearly indicate that the central proxy server automatically and without user intervention transmits the requested data to the server. This implies that the request for data must be received by the Central Proxy System. It also indicates that the data is returned to the server and not just forwarded.

Applicants note that the rejection stated "a request for user data (Col. 13, line 34 to 35)" as previously pointed out Col. 13 lines 34 to 35 does not describe a request for user data, but rather a request from the user to the server. The continued rejection mischaracterized the teachings of Gabber at Col. 13 lines 34 to 35, which formed the basis for the rejection, by citing to an overview section at Col. 18 of Gabber.

However, this point can be ignored, because this part of the rejection makes it clear that "the request for data must be received by the Central Proxy System" and so the central proxy system is being equated to "a user-controlled secure device" in the above quoted language of Claim 2. Therefore, "if said user data is found stored on said user-controlled secure device" as recited in Claim 2 according to the above quote from the rejection means that the user data must be found stored on the Central Proxy System.

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

The rejection stated:

1-"if said user data is found". This requirement is implicit in Gabber. If the data is not found, it cannot be transmitted. Therefore, when the central proxy transmits the data, it must have founded [Sic] the data."

This portion of the rejection reduces the explicit claim limitation to a gist. Claim 2 doe not recite simply that the "user data is found," but rather that the "user data is found stored on said user-controlled secure device." Thus, the rejection itself fails to demonstrate that Gabber teaches the invention to the same level of detail as recited in Claim 2 and so the rejection fails to meet the standard required by the MPEP. This alone is sufficient to overcome the rejection.

Next, the rejection stated in part:

. . . Column 9 line 12 to 15 indicates that the proxy will transmit the data only if it is the user's choice to have the proxy send the data. This clearly meets the requirement of "said request is enabled".

Applicants first note, as quoted above, that the first part of the rejection stated the request was from a server to the central proxy system. This part of the rejection alleges that the user can control whether the central proxy system responds to request from the server. However, the rejection, as quoted above stated, "the central proxy server automatically and without user intervention transmits the requested data to the server." One of these statements has to be wrong. If the central proxy server acts automatically without user intervention, the user is not in control. If the user controls the response to the request, the central proxy server fails to act without user intervention.

Nevertheless, the rejection asserted, "the user provides the secrets and is in control to choose the proxies and their operation. Therefore, according to the rejection, the proxies

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

are user-controlled secure devices." Gabber describes that the user enters information in a web page (Fig. 3 of Gabber). The rejection has failed to cite any teaching in Fig. 3 of Gabber that the user is in control of the proxy or that the proxy is a secure device. Entering of data in the web page of Fig. 3 fails to teach anything concerning control of the underlying program that generated the web page. The user options shown in Fig. 3 are only to enter the data and submit the data. This teaches nothing with respect to control of the proxy.

Gabber teaches that the proxy (Col. 7 of Gabber) includes three executable routines and the rejection has failed to demonstrate that the user has control over any of the routines or that the user has control over the computer executing the routine that interacts with the server that generated the original request. This is yet another demonstration that Gabber fails to teach the invention to the same level of detail as recited in Claim 2.

The inconsistency in treatment of the claim language and the reference continue. Col. 9, lines 8 to 15 of Gabber actually stated:

and to re-visit the server site on subsequent occasions using the same site-specific substitute identifiers, interacting with the server site as a return customer -- possibly receiving personalized attention -- as a function of the recognized substitute identifiers. Simply stated, the substitute identifiers are constructed consistently, and in advantageous embodiments in a site-specific manner.

Thus, the user data according to this section is "specific substitute identifiers" that are used to identify the user. Gabber unambiguously described that theses substitute identifiers are used to protect the identity of the user.

Claim 2 also recites:

reconfiguring said user data.

Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

The rejection has cited no teaching that the specific substitute identifiers are reconfigured by the central proxy server, which would be required to be consistent with the part of the rejection just quoted and instead uses a different definition of user data for the next part of the claim.

Specifically, the rejection stated:

Therefore, only data that has the potential to reveal user secrets are re-configured.

As noted above, based on the citation to Gabber, the user data that was enabled for transfer was "specific substitute identifiers." These identifiers do not have the potential to reveal user secrets and so would not be reconfigured. Thus, the rejection uses at least two different definitions of "user data."

Next the static data in the rejection is described as "details of a product that the user is ordering is not modified, and simply transmitted to the server." The rejection failed to cite any support in the rejection for this conclusion. The user data is being provided after receiving a request for that data from the server according to the rejection. The rejection has not demonstrated that the server requested details of a product. The rejection has not demonstrated that "details of a product" are "found stored on said user controlled device." The rejection has failed to provide any citation to a teaching in Gabber that distinguishes between characteristics of data, in particular whether the data is static or dynamic data; and has failed to provide any citation to a teaching that both the static and dynamic data as construed in the rejection are "stored on said user-controlled device."

Anyone of the above facts is sufficient to overcome the anticipation rejection of Claim 2. Applicants have demonstrated multiple instances of where Gabber fails to teach

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

the invention to the same level of detail as recited in Claim 2. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 2.

Applicants respectfully traverse the anticipation rejection of Claim 3. Applicants respectfully note that in the rejection of Claim 2, the proxy server was characterized as "the proxies are user-controlled secure devices." As best it is understood, in the rejection of Claim 3, the proxies are being read on "a server." Accordingly, the interpretation applied to the claim language is not consistent between the claims. In addition, the claim does not recite "modifying data." Specifically, the rationale for continuing the rejection stated:

Another example of Gabber modifying a dynamic data is column 15 line 10 to 38, where the user email address (dynamic data) is modified by proxy server to protect user privacy.

Claim 3 recites:

reconstructing, by said server, said user data before using said user data (Emphasis Added.)

Modifying user data, which was rejected, fails to teach anything concerning reconstructing the data before using the data. Accordingly, the rationale for continuing the rejection is further evidence that Gabber fails to teach the same invention to the same level of detail as recited in Claim 3. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 3.

Claim 4 stands rejected for the same reason as Claim 1 and the rejection additionally cited to Col. 18, lines 1 to 23 of Gabber as teaching use of cookies. Applicants respectfully traverse the anticipation rejection of Claim 4.

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

Applicants incorporate herein by reference the above comments with respect to Claim 1. The rejection has failed to any teaching of where or how the cookie is stored. Moreover, Applicants' comments in the prior response were directed to the citations that were used in Gabber, which failed to support the interpretation given of Gabber. Since Gabber fails to teach at least the specific request from a user-controlled secure storage device, Gabber fails to show the invention in as complete detail as recited in Claim 4. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 4.

Claim 5 stands rejected for the same reason as Claim 2 and the rejection additionally cited to Col. 18, lines 1 to 23 of Gabber as teaching use of cookies. Applicants respectfully traverse the anticipation rejection of Claim 5.

Applicants incorporate herein by reference the above comments with respect to Claim 2. In particular, the rejection has failed to cite any teaching that the cookies are stored on the proxy server. Moreover, Applicants' comments in the prior response were directed to the citations that were used in Gabber, which failed to support the interpretation given of Gabber. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 5.

With respect to the anticipation rejection of Claim 6, Claim 6 stands rejected for the same reason as Claim 3 and the rejection additionally cited to Col. 18, lines 1 to 23 of Gabber as teaching use of cookies. Applicants respectfully traverse the anticipation rejection of Claim 6.

Applicants incorporate herein by reference the above comments with respect to Claim 3. In particular, the rejection has failed to cite any teaching of how or why the proxy server would reconstruct user data from the cookies. Moreover, Applicants' comments in the prior response were directed to the citations that were used in Gabber, which failed to support the

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

interpretation given of Gabber. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 6.

Claims 7 and 13 are directed to a program storage device and an apparatus that each includes limitations similar to those discussed above with respect to Claim 1. Applicants respectfully traverse the anticipation rejection of each of Claims 7 and 13. The above remarks with respect to Claim 1 are applicable to each of Claims 7 and 13 and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 7 and 13.

Claims 8 and 14 are directed to a program storage device and an apparatus that each includes limitations similar to those discussed above with respect to Claim 2. Applicants respectfully traverse the anticipation rejection of each of Claims 8 and 14. The above remarks with respect to Claim 2 are applicable to each of Claims 8 and 14 and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 8 and 14.

Claims 9 and 15 are directed to a program storage device and an apparatus that each includes limitations similar to those discussed above with respect to Claim 3. Applicants respectfully traverse the anticipation rejection of each of Claims 9 and 15. The above remarks with respect to Claim 3 are applicable to each of Claims 9 and 15 and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 9 and 15.

Claims 10 and 16 are directed to a program storage device and an apparatus that each includes limitations similar to those discussed above with respect to Claim 4. Applicants respectfully traverse the anticipation rejection of each of

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXPEDITED PROCEDURE

Claims 10 and 16. The above remarks with respect to Claim 4 are applicable to each of Claims 10 and 16 and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 10 and 16.

Claims 11 and 17 are directed to a program storage device and an apparatus that each includes limitations similar to those discussed above with respect to Claim 5. Applicants respectfully traverse the anticipation rejection of each of Claims 11 and 17. The above remarks with respect to Claim 5 are applicable to each of Claims 11 and 17 and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 11 and 17.

Claims 12 and 18 are directed to a program storage device and an apparatus that each includes limitations similar to those discussed above with respect to Claim 6. Applicants respectfully traverse the anticipation rejection of each of Claims 12 and 18. The above remarks with respect to Claim 6 are applicable to each of Claims 12 and 18 and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 12 and 18.

The anticipation rejection of Claim 19 includes the rejection of Claim 13 that in turn included the rejection of Claim 1 plus the citation to a browser. The above remarks with respect to Gabber and Claim 1 are applicable and are incorporated herein by reference. Applicants respectfully requests reconsideration and withdrawal of the anticipation rejection of Claim 19.

The anticipation rejection of Claim 21 includes the rejection of Claim 15 that in turn included the rejection of Claim 3 plus the citation to a server. The above remarks with respect to Gabber and Claim 3 are applicable and are

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 21.

The anticipation rejection of Claim 22 includes the rejection of Claim 19 that in turn included the rejection of Claim 13 that in turn included the rejection of Claim 1 plus the citation to a browser and cookies. The above remarks with respect to Gabber and Claims 1 and 4 are applicable and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 22.

The anticipation rejection of Claim 24 includes the rejection of Claim 21 that in turn included the rejection of Claim 15 that in turn included the rejection of Claim 3 plus the citation to cookies. Again, Applicants note that the operations cited again Claim 3 were performed by a proxy system as quoted above. In addition, the above remarks with respect to Gabber and Claims 3 and 6 are applicable and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 24.

Claims 20, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabber as applied to Claim 16 and further in view of U.S. Patent Publication No. 2001/0011250, herein after referred to as Paltenghe.

Applicants respectfully traverse the obviousness rejection of Claim 20. Applicants note that the rejection of Claim 20 refers to the rejection of Claim 16 that in turn relied upon the rejection of Claim 4 plus a citation to Col. 19 of Gabber. Applicants note that as discussed above with respect to Claim 4 and incorporated herein by reference Gabber failed to suggest or disclose multiple elements of the claim, and those comments are incorporated herein by reference. In addition, Claim 4 does not include many of the limitations of Claim 20.

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

Accordingly, the Examiner's attention is called to the remarks with respect to Claim 2 that are also incorporated herein by reference, because Claim 20 includes similar limitations. The additional material relied upon from Paltenghe fails to correct the deficiencies of the Gabber and so assuming the combination is correct, the combination fails to suggest or disclose Applicants' invention as recited in Claim 20. In addition, the combination is not well founded because Gabber relies upon a proxy system to perform the operations cited. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 20.

Applicants respectfully traverse the obviousness rejection of Claim 23. Applicants note that the rejection Claim 23 relies on the rejection of Claim 20 that in turn refers to the rejection of Claim 16 that in turn relied upon the rejection of Claim 4 plus a citation to the general teaching of cookies in Gabber. Applicants note that as discussed above with respect to Claim 4 and incorporated herein by reference Gabber failed to suggest or disclose multiple elements of the claim, and those comments are incorporated herein by reference. In addition, Claim 4 does not include many of the limitations of Claim 23. Accordingly, the Examiner's attention is called to the remarks with respect to Claim 5 that are also incorporated herein by reference, because Claim 23 includes similar limitations. The additional material relied upon from Paltenghe fails to correct the deficiencies of the Gabber and so assuming the combination is correct, the combination fails to suggest or disclose Applicants' invention as recited in Claim 23. In addition, the combination is not well founded because Gabber relies upon a proxy system to perform the operations cited. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 23.

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Appl. No. 10/014,934

Amdt. dated June 20, 2006

Reply to Final Office Action of April 20, 2006

AFTER FINAL EXXPEDITED PROCEDURE

With respect to the obviousness rejection of Claim 25, the rejection pulls out a part of an algorithm used in constructing substitute identifiers by the proxy system. A substitute identifier in Gabber is generated and sent to a server to enroll the user for the service provided by the web site on the server. Gabber generates the substitute identifier and then uses that substitute identifier in enrolling for a service. Accordingly, the time sequence in Gabber is different from that recited in the Claim. Further, the rejection fails to explain why one of skill in the art would be motivated to add a smart card to the system of Gabber. Gabber is directed at browsing the Internet anonymously and the rejection has failed to show why one of skill in the art would be motivated to modify Gabber to change how this is done. Finally, the additional material relied upon from Paltenghe fails to correct the deficiencies of the Gabber and so assuming the combination is correct, the combination fails to suggest or disclose Applicants' invention as recited in Claim 25. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 25.

Claims 1 to 25 remain in the application. Claims 3, 9, and 15 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (571)273-8300, on June 20, 2006.

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Respectfully submitted,



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